

**Notice of Allowability**

Application No.

10/611,759

Examiner

FRESHTEH N. AGHDAM

Applicant(s)

HARRIS ET AL.

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 2/8/2008.
2. ☒ The allowed claim(s) is/are 2-7 9-10, 15 and 18-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Simon Anolick on February 28, 2008.

As to claim 1, line 10, insert "based on the analyzing of the portion of the bearer bits within the frame" after the limitation of "determining when the frame is a discontinuous transmission mode (DTX) frame,".

As to claim 6, line 9, insert "wherein the analyzing the portion of the bits comprising" after the limitation of "determining when the frame is an erased frame based on the analyzing of the portion of the bearer bits within the frame;".

As to claim 9, line 9, delete the limitation of "identifying the frame as a discontinuous transmission (DTX)".

As to claim 9, lines 9-10, delete the limitation of "when the analyzing of the at least the portion of the bits fails to exceed the threshold" and insert this limitation after the limitation of "determining when the frame comprises an expected sequence of bits;" at line 11.

As to claim 9, line 12, delete "performing the" prior to the rest of the limitation that reads "identifying the frame as the DTX when the frame does not comprise the expected sequence."

As to claim 15, line 9, delete the limitation of "identifying the frame as a discontinuous transmission (DTX)".

As to claim 15, lines 9-10, delete the limitation of "when the analyzing of the at least the portion of the bits fails to exceed the threshold" and insert this limitation after the limitation of "determining when the frame comprises an expected sequence of bits;" at line 14.

As to claim 15, line 15, delete "performing the" prior to the rest of the limitation that reads "identifying the frame as the DTX when the frame does not comprise the expected sequence."

As to claim 18, line 10, replace the limitation of "determine when the at least the portion of bits analyzed a threshold;" by the limitation of "determine whether the at least the portion of bits exceeds a threshold;".

### ***Allowable Subject Matter***

Claims 2-10, 15, and 18-20 are allowed. The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record fails to disclose the limitation of "determining when the frame is a discontinuous transmission mode (DTX) frame based on the analyzing of the portion of the bearer bits within frame comprising analyzing a header of

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the frame; and determining when the header comprises an expected series of bits" in association with the rest of the limitations in claim 1.

As to claim 6, the prior art of record fails to disclose the limitation of "wherein the analyzing the portion of the bits comprising: counting a number of zero bearer bits within at least a tail end of the frame; determining when the number of zero bits exceeds a predefined threshold; and defining the frame as an erased frame when the number of zero bits exceeds the predefined threshold" in association with the rest of the limitations in claim 6.

As to claims 9 and 15, the prior art of record fails to disclose the limitation of "when the analyzing of the at least the portion of the bits fails to exceeds the threshold; determining when the frame comprises an expected sequence of bits; and identifying the frame as the DTX when the frame does not comprise the expected sequence" in association with the rest of the limitations in claims 9 and 15.

As to claim 18, the prior art of record fails to disclose the limitation of "wherein the RLP receiver is configured to determine when the frame comprises an expected sequence of bits; and the frame type determination further initiates the frame type verification device to identify the frame as the DTX when the frame does not comprise the expected sequence" in association with the rest of the limitations in claim 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRESHTEH N. AGHDAM whose telephone number is (571)272-6037. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Freshteh N Aghdam/  
Examiner, Art Unit 2611  
February 29, 2008

  
CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER